

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JAYLA ALLEN, DAMON JOHNSON, JOSHUA
MUHAMMAD, RAUL SANCHEZ, and
TREASURE SMITH,

Plaintiffs,

v.

Civil Case No. 4:18-cv-3985

WALLER COUNTY, TEXAS; THE WALLER
COUNTY COMMISSIONERS COURT; JUDGE
CARBETT “TREY” J. DUHON III, in his official
capacity as the Waller County Judge; CHRISTY A.
EASON, in her official capacity as the Waller County
Elections Administrator,

Defendants.

**PLAINTIFFS’ MOTION FOR LEAVE TO FILE THEIR RESPONSE IN OPPOSITION
TO DEFENDANTS’ MOTION TO DISMISS
IN EXCESS OF PAGE LIMIT**

Plaintiffs Jayla Allen, Damon Johnson, Joshua Muhammad,¹ Raul Sanchez, and Treasure Smith (collectively, “Plaintiffs”), through their undersigned counsel, hereby move the Court for an order granting them leave, pursuant to this Court’s Civil Procedure (“C.P.”) J(1), to file their *Response in Opposition to Defendants’ Motion to Dismiss* (“Response”) in excess of the twenty (20) page limit set forth in C.P. J(1). In support of this Motion, Plaintiffs state that:

1. This case is about Plaintiffs’ “fundamental” right to vote, *Bartlett v. Strickland*, 556 U.S. 1, 10 (2009), a right that the Supreme Court has recognized is “preservative of all rights,” *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886).

¹ Pending before the Court is Plaintiffs’ Unopposed Motion to Withdraw Plaintiff Joshua Muhammad. Doc. 37.

2. Specifically, Plaintiffs have brought this action alleging four causes of action under the voting guarantees of the Fourteenth, Fifteenth, and Twenty-Sixth Amendments to the U.S. Constitution and Section 2 of the Voting Rights Act of 1965, 52 U.S.C. § 10301 (“Section 2”), alleging that Defendants’ actions in adopting and maintaining a discriminatory early voting plan for the November 2018 general election denied or abridged Plaintiffs’ right to vote.
3. On January 7, 2019, Defendants filed a Motion to Dismiss, which exceeded the page limit set forth in C.P. J(1).
4. Defendants, through their Motion to Dismiss, seek to defeat each of Plaintiffs’ statutory and constitutional claims.
5. To overcome Defendants’ Motion to Dismiss, Plaintiffs have endeavored to minimize the length of their Response, while at the same time providing a complete presentation of the facts and law of this case to address the arguments raised by Defendants. This Motion to exceed the page limit is made in good faith.
6. Given the fundamental nature of the right at issue, the complexity of the legal frameworks in this constitutional and Section 2 case, the sheer number of factors to be analyzed, and the breadth of evidence, Plaintiffs respectfully request that this Court grant their request to file their Response in excess of the page limit set forth in C.V. J(1).

Respectfully submitted on January 28, 2019,

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing Plaintiffs' *Motion for Leave Pursuant to File Their Response in Opposition to Defendants' Motion to Dismiss in Excess of Page Limit* with this Court using the CM/ECF system, which provides notice of filing to all counsel of record.

/s/ Leah C. Aden

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